

October 14, 1999

Ms. Karen Johnson General Counsel Dallas Public Schools 3700 Ross Avenue Dallas, Texas 75204-5491

OR99-2926

Dear Ms. Johnson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128594.

Dallas Public Schools (DISD) received a request for "any and all FBI subpoenas served on DISD from January 1, 1997 to present." You have supplied the responsive information to this office for review. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts certain information held by a law enforcement agency or prosecutor if release of the information would interfere with the detection, investigation, or prosecution of crime. Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. Open Records Decision No. 474 at 4-5 (1987). You have supplied a letter from a prosecuting attorney which requests that you not disclose the subpoenas because they are related to an ongoing criminal investigation or prosecution. Based on this letter and our review of the submitted information, we conclude that the responsive information may be withheld under section 552.108 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

Michael Jay Burns

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Assistant Attorney General Open Records Division

MJB/ch

Ref: ID# 128594

Encl. Submitted documents

cc: Ms. Madeleine Johnson

U.S. Department of Justice

1100 Commerce Street, Third Floor

Dallas, Texas 75242-1699

(w/o enclosures)